

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GRACIELA BELTRAN, individually and on behalf of himself and all others similarly situated,

Case No.: C-12-01002-YGR

## **ORDER TO SHOW CAUSE REGARDING PLAINTIFF'S MOTION TO STRIKE**

Plaintiffs,

VS.

CAPITAL RECORDS, LLC, et al.,

## Defendants.

Plaintiff filed a Notice of Motion and Motion to Strike Exhibit 1 to Defendants' Request for Judicial Notice and All References to Exhibit 1 in Defendants' Motion to Dismiss. (Dkt. No. 33.) Plaintiff noticed this Motion to Strike for June 19, 2012, the same date as the hearing on the pending Motion to Dismiss First Amended Complaint. (Dkt. No. 14.)

Plaintiff is hereby **ORDERED TO SHOW CAUSE** why this Motion to Strike should not be stricken for failure to comply with Civ. L.R. 7-2(a), which requires that motions are noticed for hearing not less than 35 days after service of the motion. Under the Local Rules' briefing schedule, the reply on the Motion to Strike will not be due until the day of the hearing. Civ. L.R. 7-3. Moreover, the Local Rules require that evidentiary and procedural objections to a motion be contained within the opposition brief. *Id.*

The Order to Show Cause hearing shall be held on Friday, June 8, 2012 on the Court's 9:01 a.m. calendar in the Federal Courthouse, 1301 Clay Street, Oakland, California, in a courtroom to be designated. Plaintiff must file a written response to this Order to Show Cause, no later than Friday, June 1, 2012 at 5:00 p.m., explaining why the Court should permit the Motion to Strike to proceed as

1 a separately noticed motion with its own briefing schedule. Plaintiff's counsel must personally appear  
2 at the hearing. Failure to file a written response or to appear personally will be deemed an admission  
3 that good cause exists for the Court to strike Plaintiff's Motion to Strike.

4 **IT IS SO ORDERED.**

5 Dated: May 30, 2012  
6

  
7 YVONNE GONZALEZ ROGERS  
8 UNITED STATES DISTRICT COURT JUDGE